

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:19-CR-00092-KDB-DSC-1**

UNITED STATES OF AMERICA,

v.

ASHLEY DAWN WALKER,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's *pro se* motion for application of the Sentencing Commission's recent amendment to U.S.S.G. §4C1.1 in Amendment 821 regarding certain zero-point offenders and appointment of counsel. (Doc. No. 98).

In Defendant's Presentence Report, Defendant had two criminal history points and thus is not a zero-point offender. (Doc. No. 84, ¶ 40). Additionally, under the amendment to U.S.S.G. §4C1.1, the Defendant does not qualify to receive a two-level reduction in her offense level because she does not satisfy §4C1.1(a)(7) because she possessed a firearm. (Doc. No. 84, ¶ 25). The Court admonishes Defendant for making false statements in her motion to the Court.

A defendant has no constitutional right to the appointment of counsel to file post-conviction motions. *Lawrence v. Florida*, 549 U.S. 327, 336-37 (2007) (citing *Coleman v. Thompson*, 501 U.S. 722, 756-57 (1991)); *Rouse v. Lee*, 339 F.3d 238, 250 (4th Cir. 2003), *cert. denied*, 541 U.S. 905 (2004) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555-56 (1987) (no constitutional right to counsel beyond first appeal of right)).

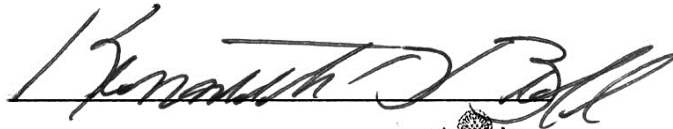
The Court may, in some circumstances, appoint counsel to represent a prisoner when the interests of justice so require, and the prisoner is financially unable to obtain representation. *See*

18 U.S.C. § 3006A(a)(2)(B). In the instant case, however, Defendant has not established that the interests of justice require the appointment of counsel. *See United States v. Riley*, 21 F. App'x 139, 141-42 (4th Cir. 2001). The Court finds that the interests of justice do not require appointment of counsel to assist the Defendant, at this time.

IT IS THEREFORE, ORDERED, that Defendant's *pro se* request for application of the Sentencing Commission's recent amendment to U.S.S.G. §4C1.1 and reduction in sentence (Doc. No. 98), is **DENIED**.

SO ORDERED.

Signed: November 20, 2023

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

